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OFFICE OF PETITIONS

In re Application of :
Lundberg :
Application No.: 10/730,169 : ON PETITION
Filing Date: December 5, 2003 :
Attorney Docket No.: CNTR.2117 :

This decision concerns the "Request for Corrected Filing Receipt" filed on December 19, 2003, re-filed on March 15, 2004 and again on July 27, 2004.¹ This correspondence is being properly treated as a petition under 37 CFR 1.10(c) to correct the filing date for the above-referenced application.

The petition is **GRANTED**.

The petition requests an earlier filing date of December 5, 2003 rather than the presently accorded filing date of December 6, 2003, on the basis that the application was deposited on December 5, 2003 in the U.S. Postal Service (USPS) "Express Mail Post Office to Addressee" service ("Express Mail") pursuant to the requirements of 37 CFR 1.10.

The petition is accompanied by a copy of counsel's postcard receipt for this application. This postcard, contrary to the assertion in the petition, is not date-stamped by the USPTO. However, it appears to be postmarked December 6, 2003, indicating that it was likely mailed from the USPTO on that day. This postcard, while showing that an application entitled to a filing date was received by the USPTO, it cannot be relied upon for supporting the requested December 5, 2003 filing date.

Also accompanying the petition is a copy of printout from the USPS official website www.usps.gov (Track & Confirm), showing that a package mailed under USPS "Express Mail" mailing label number "EO001088012US" was accepted by the USPS on December 5, 2003 at 8:42pm. The same mailing label number is also contained in the original application transmittal which itemizes the application papers being mailed on December 5, 2003.

Although a true copy of the mailing label is not enclosed with the petition, there is sufficient information for inferring that this application was deposited in the USPS Express Mail on December 5, 2003. The petition is thus granted.

¹ The Office sincerely apologizes for any inconvenience caused by the delay in processing the earlier requests.

No petition fee is owed and none was submitted with the petition.

The application file is being forwarded to the Office of Initial Patent Examination for correcting the filing date to December 5, 2003, and for mailing a corrected Filing Receipt reflecting that filing date. Upon completion of pre-examination, the application file will be forwarded to Technology Center 2800 for examination in due course.

Telephone inquiries should be directed to the undersigned at (703) 308-0763.

A handwritten signature in black ink, appearing to read 'RC Tang', with a long, sweeping horizontal stroke extending to the right.

RC Tang
Petitions Attorney
Office of Petitions